

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29406 of 2025

Arising Out of PS. Case No.-28 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Jitendra Kumar son of Shri Nanhak Rai@Nannak Ray village- Jagdishpur Ps.
-Raghopur Dist. -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Soni Kumari, Adv. Mr. Priyesh Kumar, Adv.
For the Opposite Party/s :		Mr. Ajay Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 22-08-2025 Heard the parties.

2. At the outset it is submitted by learned counsel for the petitioner that though a separate petition was filed for provisional bail but as same is not available on record today, main petition be heard on the ground of custody as petitioner remains in custody since 09.07.2021 i.e., more than 4 years.

3. This is second successive bail petition of petitioner.

4. Learned counsel for the petitioner submitted that on last occasion report regarding stage of trial was called for. It is pointed out that still there is no progress in trial and considering the speed of progress it can be safely said that



trial is not likely to conclude in near future.

5. Considering the submission, a report regarding stage of trial was called for, which made available to this Court through letter no. 93 of 2025 dated 27.06.2025, through which it transpires that this matter is still pending for examination of prosecution witness.

6. Certainly petitioner cannot be kept behind bar for indefinite period of time in want of conclusion of trial as right to speedy trial is one of the fundamental rights of petitioner, as per legal report available through ***Hussainara Khatton and Ors. vs. Home Secretary, State of Bihar*** as reported in ***(1980) 1 SCC 81: 1980 SCC (Cri) 23***.

7. Considering aforesaid as petitioner remains in custody for more than 4 years, where matter is still pending for the examination of prosecution witness, accordingly petitioner above named, is directed to be released on bail in connection with Special (NDPS) P.S. Case No. 28 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Addl. Session Judge 1, Nawada



/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS., subject to condition :-

- (i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.
- (ii) That petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(Chandra Shekhar Jha, J)

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